

## **SELECT BOARD**

### **Fiscal Year 2013**

This fiscal year saw the standard collection of annual and predictable responsibilities for the Select Board, along with a few new ones. We approved licenses, offered recommendations on Town Meeting warrant articles, provided budget policy guidelines, acted as liaisons to many committees, attended community events, addressed citizen concerns and so much more. Overall, it was a productive and undramatic year. Noteworthy elements are detailed herein.

#### **Town Manager/Town Management Issues**

**Performance Evaluation and Contract:** Over the first couple months of FY 13, the Select Board engaged in its annual performance evaluation of the Town Manager for the previous fiscal year. Following another positive evaluation that identified many strengths and a few areas that would benefit from more attention, the Select Board approved a 1.5% pay increase for Mr. Musante, making his salary \$142,100 as of October 1, 2012. Additionally, the renewal term – whereby his employment contract automatically renews for a specified number of years each October 1<sup>st</sup> unless the Select Board takes action otherwise – was changed to five years from three years; and the annual reimbursement cap for his long-term disability insurance was increased to \$3,000 from \$2,300, to cover anticipated periodic rate increases.

#### **Key Town Management Issues with Select Board Participation**

**Solar Power Purchasing Agreement:** The Select Board expressed strong support for the Power Purchasing Agreement that had been negotiated over the course of a year by the Town with Blue Wave and Smart Energy Capital for the planned solar installation at the Old Landfill. In our review, we found that the agreement serves and protects Town interests and thoroughly addressed community concerns expressed at the Annual Town Meeting in 2011. This agreement was subsequently signed by the Town Manager.

**Winter Homeless Shelter Expansion:** When requests were brought to the Town to expand the capacity of the winter shelter to 24 beds from 16, there were a number of health and safety code issues that needed to be considered. The Select Board expressed its strong support for the shelter to be allowed to expand to accommodate as many guests as would be practical and safe to do so, and if the proposed expansion were to be denied, we requested detailed information justifying the denial. Ultimately, it was determined that the shelter space could safely accommodate an increase of 6 beds, for a total of 22, and that expansion has proved to be successful.

**Human Resources Audit:** A long-standing request by the Select Board for an assessment of the Town's Human Resources situation and ability to support Town employees was addressed with the hiring of Deb Radway as the new Human Resources Director. At the Town Manager's direction, she conducted an audit of the Town's H.R. capacity, services and needs, and presented that to the Select Board in December. We received that with much appreciation and expressed our desire to be kept apprised of the progress in implementing its recommended action steps.

**Budget Accommodation of Community Priorities:** At the beginning of FY 13 (July 2012,) the refurbished and reconstructed War Memorial Pool reopened, after being closed for several years. In spring of 2011, Town Meeting expressed strong desire for this to happen and the Select Board made that a top budget priority for the Town Manager that fall. At the end of FY 13 (May 2013,) Town Meeting supported the Town Manager's FY 14 budget recommendations for providing funding to local human service agencies as a transition plan is created to deal with loss of Community Development Block Grant (CDBG) "mini-entitlement" status. The Select Board had made addressing the anticipated loss or reduction of these funds a top priority of the FY 14 budget.

### **Town-Gown and Off-Campus Behavior Issues**

**Select Board Coffee Hour with UMass Student Leaders:** In October, the Select Board held its 4<sup>th</sup> annual Coffee Hour with student leaders and the administrators who work closely with them. The event brings together Town officials and staff with UMass representatives to enhance communication and strengthen relationships.

**Rental Permitting Bylaw:** The Select Board, via the Chair, was represented on the Safe and Healthy Neighborhoods Working Group, a body made up of diverse stakeholders in the issues associated with students living off campus. The Working Group drafted a bylaw proposal codifying the compliance expectations for a variety of health and building codes and local bylaws pertaining to rental properties, in order to increase clarity and accountability for all. Included is the requirement that all rental properties, with a few exceptions, acquire a permit which can be suspended in instances of egregious non-compliance and non-cooperation with enforcement officials. The Select Board gave strong support to the proposal and Town Meeting approved its adoption as a new General Bylaw, to take effect January 1<sup>st</sup>, 2014.

**Pre-St. Patrick's Day Disturbances:** After a year or two of escalating impacts by large crowds of inebriated college students downtown starting in the early morning of the Saturday before St. Patrick's Day, Town officials, including the Select Board Chair, met with owners of Stacker's and McMurphy's, the two primary bars promoting this as an annual "Blarney Blowout" event. New arrangements – including ticket sales for specific entry times and prohibitions against lining up well in advance of those times – resulted in dramatic improvements downtown, and were deemed very successful. However, either as a result of these changes or coincident to them, rowdy crowds congregated in other parts of town, with a particularly unruly gathering at Townehouse apartments in North Amherst. Meetings between the Town and the University in the wake of that disturbance did result in increased public safety support from the University for the remainder of the semester.

### **Licensing**

**Hess Express:** In July 2012, the Hess Express gas station and mini-mart on West Street applied for an off-premise wine and malt sales license, which was rejected by unanimous vote of the Select Board. This followed a similar application from the Cumberland Farms gas station and mini-mart on College Street a couple of months prior (FY 12), which was also rejected by unanimous vote. A recent change to State law enabled chain stores to increase their

number of such licenses held across the Commonwealth, but both applications were judged to be not serving a public need in those locations, and were inconsistent with the community efforts to discourage excessive drinking and its many impacts. Hess Express had the option to appeal the Select Board's decision to the Massachusetts Alcoholic Beverages Control Commission (ABCC) but did not do so.

**Taxis:** With the renewal of Taxi Business Licenses for calendar year 2012, it was announced that new Taxi Business regulations would be promulgated beginning January of 2013 and would include the requirement that all taxis have fare meters installed. This was intended to address safety concerns and enforcement challenges caused by taxi business operators utilizing different vehicles than those identified on their business licenses, not complying with their own fare structures, and so forth. This and other updates to the Taxi Business regulations have been in effect since January, with the Select Board receiving a progress report in June. There has been a reduction in the number of taxi companies doing business in Amherst as well as a reduction in the number of registered taxi vehicles, an increase in the professionalism and accountability of the remaining and new taxi operations, and improved enforcement abilities by the Town, increasing overall taxi safety for all. As of June, no complaints related to the new regulations had been received.

**Lunch Cart/Food Truck Regulations:** As food trucks have been a popular trend across the country, with some interest in Amherst, there was a desire to upgrade our vague and unstructured regulation of this sector, which we license as "Lunch Carts." The Chair worked with Chamber of Commerce Director Tony Maroulis and Business Improvement District (BID) Director Alex Krogh-Grabbe to draft regulations that balanced the concerns of the business community with the desire to increase the vitality of downtown and have Amherst enjoy the "street food" scene. Comment was sought from existing license holders, regulatory and enforcement officials, local businesses and the general public. New regulations were approved by the Select Board in April, specifying several locations for on-street vendors, of which they can move among freely; and several locations for on-sidewalk vendors, whose specific sites must be approved by the Select Board. There are limits on the number of licenses that can be issued per calendar year (six for on-street carts, four for on-sidewalk carts,) with the understanding that we can revisit and revise the regulations at any time it deems necessary, with appropriate notice as specified therein. A six-month review of the regulations was recommended with the approval vote.

## **Public Way Issues**

**Parking:** In August, the Select Board held a public hearing to consider a number of changes to the downtown parking regulations. We approved the following: eliminating the Sunday garage/CVS lot fee (formalizing what had been an unannounced/unapproved policy change since the new pay-by-space machines were installed); altering the parking rates and number of spaces for reserved spaces in the lower portion of the Boltwood garage and the CVS lot; creating new and altered commercial loading zones; creating new Taxi stands; creating new 15-minute free parking spaces; and creating new Town Center Permit areas on Gaylord and Spring Streets.

**Flying Commemorative Flags on September 11<sup>th</sup>:** The Select Board again took up consideration of the policy to fly the commemorative flags on that date every 5<sup>th</sup> year, based on a citizen request. Discussion made clear that factors and conditions had not changed such that a revised policy would be supported, thus reaffirming the standing compromise policy. The promotion of misleading and erroneous information about the policy generated a large amount of angry e-mails, the vast majority of which were not local. The Chair responded to nearly every e-mail received, and it was interesting to see that many people apologized for their angry tone and accusations after they were made aware of the accurate information.

**Street Closure – Downtown Block Party:** The Business Improvement District (BID) organized a community block party for mid-September, aimed at bringing together students and families for a festive evening of music, entertainment, food and fun downtown. After careful coordination by the BID with the Amherst Police, Fire and Public Works departments, as well as UMass Transit and others, a plan was developed to close North Pleasant and East Pleasant streets from the Amity/Main intersection to the Triangle St. intersection from late afternoon until late evening, and this closure was approved by the Select Board. The event was a big success and is planned to be repeated annually.

**Expansion of Saturday Farmers Market:** The Select Board approved parking and street closure requests on Boltwood Avenue to enable the expansion of the Saturday Farmers Market, held April to November in the Spring St. parking lot. Responding to long-time interest in making space available for more Amherst farmers to participate, Town staff, the Agricultural Commission and Market organizers came up with a plan that was mutually acceptable to the Lord Jeffery Inn and the Grace Church to add a section of Boltwood Ave. to the market area to enable more vendor space. The Select Board appreciated that this issue, which has been brought to our attention many times, was worked out successfully and we were happy to be able to help via our public way authority.

#### **Assorted Issues Under the Select Board's Authority**

- Filled a vacancy on the Library Trustees in an election held as a joint meeting of both bodies in September; Robert Pam was elected to replace Emily Lewis, who resigned when she moved out of town. Clarified with Town Counsel that the Select Board has the ability to fill such vacancies, per MGL Ch. 41 section 11, but that it is not obliged to fill them; they can be left open until the next Town election.
- Established a 7:00 p.m. start time for Town Meeting, rather than the traditional 7:30 start. This was piloted at the Special Town Meeting in November of 2012, and having been deemed a success, it was repeated at the Annual Town Meeting in the spring of 2013.
- Authorized an intermunicipal agreement for providing property assessment services to the Town of Pelham.

- Sent sympathy letters to the Town leadership in Newtown, Connecticut following their horrific school shooting in December, and to the Mayor of Boston, following the bombings at the marathon.
- Approved FY14 water and sewer rates, in our role as Water and Sewer Commissioners: we announced and approved in January that water rates would remain unchanged at \$3.40 per 100 cubic feet, and sewer rates would increase by 10 cents to \$3.55 per 100 cubic feet, to take effect in July.
- Marked completion of the Town flag creation process, with a formal presentation ceremony in April thanking the Rotary Club and the Chamber of Commerce for their funding assistance, and made plans to deliver the extra-large double-sided version to the State House for display in the Hall of Flags in July.
- Proclaimed Stan Ziomek Day in April, in honor of his many years of professional and volunteer work on behalf of the Town of Amherst, on the occasion of a dinner being held in his honor as a fundraiser for the Amherst baseball program.
- Voted to establish the Local Historic District Study Committee for the Lincoln-Sunset area.
- Hosted a Coffee Hour to honor long-time Town Moderator Harrison Gregg, who was not running for re-election to that position.
- Voted to adopt Amherst's Housing Production Plan.
- Attended services marking the passing of long-time Town Manager Allen Torre and Select Board member Edith Wilkinson, both of whom filled other and varied roles in their lengthy service to the Town.
- Appreciated the tremendous assistance and support we received from the office staff again this year: Debra Roussel, Debbie Gordon (who transferred to the Fire Department) and Jennifer Moyston did great work that enabled us to do our work. Many thanks for all of their help!

### **Composition of the Select Board**

At the Annual Town Election, Alisa Brewer and Jim Wald ran unopposed for re-election. In the Select Board's annual reorganization vote, Stephanie O'Keeffe was re-elected as Chair, Aaron Hayden was re-elected as Clerk, and the body voted to continue the practice of rotating the Vice Chair position alphabetically by last name each month. With Diana Stein's continued service, there was no change to the Select Board's composition again this year.

It has been an honor and a privilege for all of us to serve Amherst in this capacity for another year.

Respectfully submitted by:

Stephanie O'Keeffe, Chair